

## **REMARKS**

The amendments set out above and the following remarks are believed responsive to the points raised by the Examiner in the Office Action dated 24 November 2009. Entry of the above is respectfully requested.

Applicants petition and enclose the appropriate fee in accordance with 37 CFR 1.136(a) to extend the due date for the present response by three months, i.e., to and including 24 May 2010.

Following the entry of this amendment claims 1-4, 7-8, and 12-15 are pending (claims 5, 6, 9, and 11 have been canceled). In view of the amendments set out above and the following remarks, reconsideration is respectfully requested.

### **Amendments to the Drawings**

Regarding reference character 15, this designation should be the "coupling element." "Cavity" should be reference number 81. The specification at page 24, line 11 and Figure 8 have been corrected to show that the "cavity" should be labeled "81."

Reference character 65 is properly denoted a "seat" in Figure 6. Element 65 in Figures 11 and 12 have been changed to "110" and the corresponding descriptions in the specification have also been changed (page 21, lines 23, 28, and 29).

Regarding reference character 19, nose portion 19 (page 20, line 13) has been added to Figures 1, 2, and 3.

Regarding bore 32 (page 20, line 23), reference character 32 has been added to Figure 3.

Regarding reference character 38 in Figure 10, this is actually a portion of device 10, and is therefore mislabeled. Reference character 38 has now been changed in Figure

10 to “10” in order to address this drawing objection.

Regarding reference character 52 in Figure 7, this is the sealable edge of the pouch 50. Reference character 52, referring to pouch “edges” therefore has been added to the description at page 23, line 26.

Regarding reference character 71 in Figure 8, this is actually a portion of device 10, and is therefore mislabeled. Reference character 71 has now been changed in Figure 8 to “10” in order to address this drawing objection.

The Examiner’s approval of the entry of these drawings is respectfully requested. No new matter has been added.

#### **Amendments to the specification**

The specification has been amended as suggested in the Office Action, namely:

1. page 5, changing “a” to –an--;
2. page 19, lines 17-18, changing “nose” to – neck”;
3. page 20, lines 13 and 16, changing “11” to –10--; and
4. page 25, line 11, the first instance of the word “the” has been deleted.

Please note that the changes on page 20 necessitated changing “housing” to – medical device – in order to make the specification consistent with other places where reference numeral 10 has been used.

The Examiner’s approval of the entry of these specification amendments are respectfully requested. No new matter has been added.

#### **Claim amendments**

Claim 4 has been amended so that it is no longer a sentence fragment, as

requested by the Examiner.

Claim 11 has been cancelled, therefore addressing the rejection based on double patenting.

Claims 5 and 6 have been cancelled, therefore addressing the rejection based on obviousness-type double patenting over claims 1 and 3 of U.S. Serial No. 10/181,528.

The informalities noted by the Examiner have been corrected along with various other informalities noted in the specification.

The following comments address the points raised by the Examiner in the order they are presented in the Official Action.

Concerning the 35 U.S.C. 102(b) Rejection of Claims 1-8 and 10-11

Claims 1-8 and 10-11 have been rejected under 35 U.S.C. 102(b) as anticipated by Chapolini et al (Int. Publication No. WO 01/67970 A1).

Claim 9, a dependent claim of claim 8, was not included in this rejection, clearly indicating that the language of claim 9 is not anticipated by the cited reference. Claims 1 and 8 have now been amended to include the language of claim 9; therefore claims 1 and 8 cannot be anticipated by the cited reference for the same reasons that claim 9 was not included in this rejection.

All of the remaining pending claims are ultimately or directly dependent on claims 1 or 8, and are not anticipated by the cited reference for the same reasons that claims 1 and 8 are not anticipated.

In view of the foregoing, Applicants believe that claims 1-4, 7-8 and new claims 12-15 (copies of original claims 2, 3, 4, and 7, but now dependent on claim 8) are not

anticipated by the teachings of the Chapolini publication. Accordingly, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. 102(b) rejection.

Concerning the 35 U.S.C. 103 Rejection of Claim 9

Claim 9 has been rejected under 35 U.S.C 103 as being un patentable over Chapolini et al (Int. Publication No. WO 01/67970 A1), in view of U.S. Patent 3,120,845 (referred to as "Horner").

Claims 1 and 8 were not included in this rejection, indicating that the subject of these claims is not obvious over the cited references. Claim 9 has now been cancelled; therefore the rejection of claim 9 is now moot. Reconsideration is respectfully requested.

Accordingly, in view of the above amendments and remarks, it is submitted that this application is now ready for allowance. Early notice to this effect is solicited.

If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney at 410-923-2660.

Respectfully submitted,

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